

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

JEFFERY NEWSOME,)
)
Plaintiff,)
)
vs.) Case No. 4:12-cv-00019-VEH-JEO
)
OFFICER RUSSELL JONES, *et al.*,)
)
Defendants.)

MEMORANDUM OF OPINION AND ORDER

The magistrate judge filed a report and recommendation on July 3, 2014, and a supplemental report and recommendation on October 20, 2014, recommending that the special report filed by Officer George Denson be construed as a motion for summary judgment and, as such, that it be granted and the claims against Officer Denson be dismissed with prejudice. (Docs. 49 and 55). The magistrate judge further recommended that the remaining defendants' special reports be construed as motions for summary judgment and, as such, that they be denied. Specifically, the magistrate judge recommended: (1) Officers Landers and Jones's motion for summary judgment be denied with respect to the excessive force claim; (2) Nurses Thomas and Johnson's motion for summary judgment be

denied with respect to the denial of adequate medical care claim; (3) Officers Landers, Jones, and Marcano's motion for summary judgment be denied with respect to the denial, delay, and/or interference with medical care claim; and (4) Officers Morris, Jackson, Dakin, Hopkins, Scott, Gray, and Northcutt's motion for summary judgment be denied with respect to the conditions of confinement claim. Although the parties were advised they would have fourteen days from the entry date of the report and recommendation to submit specific written objections, none have been received by the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the magistrate judge's recommendation is **ACCEPTED**. It is therefore **ORDERED** that the motion for summary judgment on behalf of Officer George Denson is **GRANTED** and the claims against him are **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that the motions for summary judgment on behalf of the remaining defendants are **DENIED**.

The claims against the remaining defendants are **REFERRED BACK** to the magistrate judge for further proceedings.

The Clerk is **DIRECTED** serve a copy of this order upon the plaintiff and upon counsel for the defendants.

DATED this 24th day of November, 2014.



VIRGINIA EMERSON HOPKINS
United States District Judge